

Appendix D

2. ELEMENTS OF THE DISTRICT COURT CASE FILE (CIVIL)

The attached chart is intended to identify, for purposes of the electronic case files project, all types of documents and other information connected with the primary judicial function—the resolution of disputes. Even if only some of these documents or items are eventually included in the judiciary’s efforts with regard to electronic files, it is remiss to overlook others during this stage of the project. This stage is designed to “identify functional requirements and new business processes.” See DRAFT MISSION NEEDS STATEMENT ELECTRONIC CASE FILES PROJECT, p. 1. It would be difficult, if not impossible, to generate a meaningful list of “requirements” and to think about what “new business processes” might look like, if only a portion of the judicial dispute resolution process and the information needed therefor, both by chambers and court administrators, is considered.

The staff assigned to prepare this chart were asked to provide a substantial amount of relevant information about each “file item.” Some of that information is quantifiable data that may be susceptible of, but has not been, systematically studied. For example, we were asked to provide the average number of pages per document and how many such documents are filed in any given case; we have been asked to provide who will access the document, the number of times a user accesses a given document and how many minutes it is used per access. Such information will vary widely from case to case, court to court, and person to person. Other information, such as whether the document is already provided in an electronic format also will vary tremendously. As a result, the information provided below is based on educated guesses and assumptions, rather than any investigation from which to extrapolate averages.

Also, this chart does not yet include estimates of the probable volume or size of particular file items. Probably the best measure of the size of files would be to gauge actual shelf-space usage for a given court and then apply a standard conversion factor to yield electronic “byte” size. No other meaningful numbers could be provided in this category until the “guesstimate” parameters are established. These include: how many parties will be assumed for each case, how many attorneys will be assumed for each case, how many years will the case be on the docket before trial, how many legal issues does the case present, how difficult are the case issues, are the attorneys capable of fully identifying and satisfactorily briefing legal issues in one series of motions and supporting memoranda, how many depositions will be taken and filed, and whether the court in question has local rules limiting the number of pages for certain documents.

Because many of the entries in this chart are based on the same guesses and assumptions, and because space is limited, abbreviations are used. These abbreviations, along with other terms and phrases used in the column headings and throughout the table, warrant further discussion at the outset:

- **Type of Action Column:** provides the type of proceeding in which the document or item will be found

●**File Item Including Statutory Authority or Rule Column:** provides a description of the document or item and the statute or rule, if any, that is their source

●**Creator Column:** provides who creates the document, with these caveats:

- (1) where two persons must jointly prepare the document, both are named (for example, some forms are filled in and executed both by the clerk and a party),
- (2) many documents can be jointly created, at the option of the creators, but these “optional-joint creation” situations should simply be assumed as a possibility, and are not noted separately in the chart,
- (3) the term “parties” includes both attorneys and *pro se* litigants who are using computers to generate the item or document,
- (4) the term “judge” includes any type of judge, and
- (5) the term “clerk” means anyone in the clerk’s office, including courtroom deputies.

Other types of creators listed should be self-explanatory by the context.

●**Currently Available?/Format Column:** provides whether a document is available in electronic format and if so, the format of the information, such as word processing. Several forms are available for use, either identified in the *Guide to Judiciary Policies and Procedures* and/or in the rules or statutes. Many courts, too, have created their own forms.

Since text and design of many forms can easily be made “available” in electronic form by word processing, the phrase “Yes--Word Processing” plus the notation of any form is used to convey this situation.

●**User/Purpose/Access Time:** this column identifies those who (1) must receive the document or item and (2) need access to the document. The users identified share access, obviously--the singular justification for electronic filing (eliminating the time spent tracking down and fetching the record or parts of the record and/or duplication of documents because multiple users need simultaneous access).

As provided below, the column further identifies the purpose for use of the item, but not a specific access time. Part of the problem with guessing access time is not only because it will necessarily vary widely given the particular task and particular user, but also because availability in electronic format itself may create a huge increase in the amount of access. Probably a way to objectively measure the latter is by means of a counter on the electronic systems currently in place in the state courts and by private vendors.

Finally, some entries in this column are lengthy and repetitive, and so are noted by an abbreviation. They are:

- (1) “**clerk/file/maint.,**” which means a docketing clerk must receive the document for the purpose of filing the document, for the purpose of creating a docket entry for an item, and for the purpose of the docket entry appearing on the docket sheet

as part of the information of the case. Clerks must have access to every case on the docket, whenever needed, to whatever part of the record, and for whatever length of time is necessary to complete the particular task. Vis-a-vis other users, clerk access would probably be limited to a particular entry at one time be for the least amount of time.

(2) “**court&chambers**,” which means the district and magistrate judges, any arbitrators or special masters appointed to the proceedings, judges’ law clerks, judges’ secretaries, judges’ courtroom deputies, and court reporters. The purpose of the access is to review the record as necessary for case management, preparing to rule and ruling on motions, scheduling, and conducting trials and hearings. Court and chambers must have access to all cases on the docket, but will most frequently, if not almost exclusively, access the cases assigned to the particular chambers. Court and chambers must have access whenever needed, to whatever part of the record, and for whatever length of time is necessary to complete the particular task. Vis-a-vis other users, this group will most frequently access documents and items and for the longest length of time. When they access a case, they are likely to need access to all documents simultaneously, even if one document was initially chosen to view. Generally, it is probably safe to assume that access by this group will be most frequent and prolonged for the following categories of documents: case opening documents, initial pleadings, motions and briefs, and opinions/orders, exhibits and evidentiary materials, and trial materials.

(3) “**parties**,” which means the litigators to the proceeding, be it attorneys, their clients, or *pro se* litigants of any type. The purpose of the access is to review the record as necessary for case management, preparing and responding to motions, scheduling, and appearing at trials and hearings. The parties, because they also constitute the “public,” must also have access to all cases on the docket, but will most frequently, if not almost exclusively, access the cases in which they are involved. The parties must have access whenever needed, to whatever part of the record, and for whatever length of time is necessary to complete the particular task. Vis-a-vis other users, this group will likely tie or exceed the court users for the most frequent accessors and for the longest length of time. When they access a case, they are likely to need access to all documents simultaneously, even if one document was initially chosen to view. Generally, it is probably safe to assume that access by this group will be most frequent and prolonged for the following categories of documents: case opening documents, initial pleadings, motions and briefs, opinions/orders, exhibits and evidentiary materials, and trial materials.

(4) “**public,**” which means everyone else. The people or entities most likely to want access are reporters, professors, students, opinion reporting entities, and “court watchers.” The purpose of the access is to learn about what is happening in a given case or on a given court’s docket. The public must have access to any case on the docket, whenever needed, to whatever part of the record, and for whatever length of time is necessary to complete the particular task. Vis-a-vis other users, this group will likely fall between parties and clerks for frequency of access and length of time. Generally, it is probably safe to assume that access by this group will be most frequent and prolonged for the following categories of documents: case opening documents, initial pleadings, motions and briefs, opinions/orders, exhibits and evidentiary materials, and trial materials.

● **Access Limits Column:** provides information about documents or items that require special handling for confidentiality and security purposes. It is assumed for the purposes of this chart that the security access issues concerning an electronic filing system itself (e.g., fire walls to court servers, virus scan in document staging areas, read-only access for non-clerk users, etc.) will be addressed elsewhere.

● **Retention Column:** provides the period required for the document or item to be retained in accordance with NARA archiving requirements and Schedule 2 of Chapter XVII of the Volume XIII of the *Guide to Judiciary Policies & Procedures*. Records management policies for micrographic and electronic records.

● **Special Consideration Column:** notes those areas where there are special considerations for switching to an electronic filing system, including: signature, materials that are not electronic such as evidence attachments to pleadings and motions, and links to other databases.

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
PRE-CASE OPENING DOCUMENTS/MISCELLANEOUS PROCEEDINGS							
miscellaneous	attorney admission to practice before court application	attorney	Yes--Word Processing, local court probably has forms	clerk to record & maintain database of attorneys admitted to bar; court to rule on admission	No	Sch. 2(B)(3)-- depends	signature issues; attachments possible; link clerk attorney database to docketing system
miscellaneous	attorney disbarment proceedings	court or bar association	Yes--databases and word processing	court issues disbarment based on behavior it has observed, or notice of disbarment from bar associations; other courts and bar associations are notified of disbarment	Initial maybe but not final order	Sch. 2(A)(13) (d)--disposal not authorized	signature issues; attachments; link to clerk attorney database and/or other organizations' attorney databases
miscellaneous	applications to enforce subpoenas issued in administrative proceedings; <i>e.g.</i> , 8 U.S.C. § 1446(b); <i>see</i> <i>also</i> advisory notes to FRCP 45	federal agency	Yes--Word Processing, agency probably has form	clerk/file/maint.; court & chambers; parties; public	No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm'ncy depends	signature issues; attachment of underlying subpoena
naturalization	certificate of naturalization applications 8 U.S.C. § 1421(b)	Attorney General	Yes--Word Processing, Attorney General probably has form for certification	clerk receives to coordinate ceremony and record; court to review before ceremony	No	Sch. 2(B)(4)-- permanent	signature issues; attachment of applications (8 U.S.C. §1445(a) requires application for naturalization by "in writing").

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
naturalization	petition for name change 8 U.S.C. §1447(e)	<i>pro se</i> or attorney	Probably Yes-- Word Processing if attorney; otherwise AO Form 115	clerk receives to coordinate; court to review and rule on during ceremony	No	Sch. 2(B)(4)-- probably included in “petition”	signature issues; linked to certification filed by Attorney General
naturalization	certificate of citizenship 8 U.S.C. §§ 1449, 1450(a)	court	No. Attorney General form under controlled paper and production. 8 U.S.C. § 1443(c)	clerk to prepare; new citizens upon taking oath	Yes	Sch. 2(B)(4)-- permanent	signature issues; 8 U.S.C. §1450(a) requires clerk to “be responsible for all blank certificates ... and account for them ... whenever required to do so.”
miscellaneous	request for hearing on naturalization application, 8 U.S.C. §§ 1447(b)	petitioner or attorney	Probably Yes-- Word Processing if attorney, otherwise INS probably has form	clerk/file/maint.; court&chambers; parties; public	No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm’ncy depends; or Sch. 2(B)(4)	signature issues; linked to administrative proceedings in INS; providing public terminal to prepare filing
miscellaneous	registration of foreign judgment	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	Sch. 2(A)(13) (c), disposal not authorized	signature issues; attachments sealing issues
miscellaneous	judgment debtor exam	parties	Yes--Word Processing, local court may have forms or accept state forms	clerk/file/maint.; court&chambers; parties; public	No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm’ncy depends	signature issues; attachments
miscellaneous	prisoner letters/materials	prisoner	No	clerk/file/maint.; court&chambers; parties; public	No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm’ncy depends	signature issues; attachments; providing public terminal to prepare filing

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
miscellaneous	<i>pro se</i> letters/materials	<i>pro se</i> litigant	No, unless litigant has computer	clerk/file/main.; court&chambers; parties; public	No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm'ncy depends	signature issues; attachments; providing public terminal to prepare filing
miscellaneous	order to appear and show cause for failure to respond to jury summons to complete questionnaire, 28 U.S.C. § 1864(b)	court	Yes--Word Processing	clerk/file/main.;court &chambers; prospective qualified juror; Marshal	??	Sch. 2(A)(13) (a) or (e)--if filed separately and perm'ncy depends, or Sch. 2(B)(2) if not assigned misc. #	signature issues; attachments
miscellaneous	order to draw petit or grand jury, 28 U.S.C. § 1866(b)	court	Yes--Word Processing	clerk/file/main (or jury commission)	??	Sch. 2(A)(13) (a) or (e)--if filed separately and perm'ncy depends, or Sch. 2(B)(2) if not assigned misc. #	signature issues; attachments
CASE OPENING DOCUMENTS							
any action	civil cover sheet	parties	No; AO Form JS 44; data extracted to create reports for AO	clerk/file/main.; court&chambers; parties; public; AO	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	link to AO databases

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	filing fee paid/partial filing fee paid 28 U.S.C. § 1914	clerk	Yes if docket entry only-- ICMS; no if receipt; probably a government or local court form	clerk/file/maint.; court&chambers; parties; public; AO	No	if filed <i>see</i> Sch. 2(A)(7)-(12); permanent for most part w/limited exceptions for certain courts & cases; if not filed Sch. 2(C)(2) (7 years)	signature of clerk for receipts; link to clerk financial databases and AO databases
pauper <i>pro se</i> actions; prisoner actions	affidavit of poverty; 28 U.S.C. § 1915	<i>pro se</i> plaintiff or prisoner	No. AO Form 240 (to be amended in light of the Prison Litigation Reform Act)	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12); permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments of prison account information for prisoner actions; note that the fee for 28 U.S.C. § 2254 actions is capped at \$5.00 (28 U.S.C. § 1914) and 28 U.S.C. § 2255 actions have no fee (AO Form 243)
pauper <i>pro se</i> actions; prisoner actions	order to proceed IFP	court	Yes--Word Processing, AO Form 240A	clerk/file/maint; court & chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; triggers summons & filing deadline

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	corporate disclosure forms	parties	Yes--Word Processing, court probably has form	clerk/file/maint.; court&chambers; parties; public	??	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
any action	notice of lawsuit and waiver of service of summons FRCP 4(d)	parties acting as plaintiffs	No. AO Form 398	defendants	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
any action	summons FRCP 4(b), FRCP 4.1	parties plaintiff and/or clerk, and process server, if any	No. AO Forms 440 & 441	clerk/file/maint.; court&chambers; parties; public; Marshal to effect service in some cases	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature and seal of clerk necessary, signature and information to be filled in by process server; in prisoner civil actions clerk prepares the summons unless general waiver of process has been filed by state or federal authorities; triggers a filing deadline
bankruptcy appeal	notice of appeal sent by bankruptcy clerk in core proceedings	parties/ bankruptcy court	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	???	signature issues; filed in bankruptcy court and bankruptcy court transmits record to district court

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any non- <i>pro se</i> civil action	plaintiff's complaint FRCP 3	plaintiff	Yes--Word Processing, and see form complaints 3 - 18A appended to FRCP	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline
any <i>pro se</i> civil action	non prisoner <i>pro se</i> plaintiff's complaint FRCP 3	<i>pro se</i> plaintiff	No, local court probably has forms	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; link to letters filed as miscellaneous proceedings; triggers filing deadline
prisoner civil rights actions	prisoner complaints e.g., 42 U.S.C. § 1983	prisoner or attorney	Yes--Word Processing if by attorney; No if by prisoner, local court probably has form	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers court review deadline & filing deadline if not summarily dismissed
§ 2254 actions	habeas petition-- state 28 U.S.C. § 2254 & Habeas Rules 2, 4 & 5	prisoner or attorney	Yes--Word Processing if by attorney; no if by prisoner, AO Form 241	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers court review deadline and filing deadline if not summarily dismissed

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
§ 2255 actions	motion to vacate, set aside or correct sentence 28 U.S.C. § 2255 & Attack Sentence Rules 2, 4 & 5	prisoner or attorney	Yes--Word Processing if by attorney; no if by prisoner, AO Form 243	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; note link to criminal case, motion may also be filed in underlying criminal action as well and subsequently opened as a civil file; triggers court review deadline and filing deadline if not summarily dismissed
§ 2241 actions	application for writ of habeas corpus 28 U.S.C. § 2241	prisoner or attorney	Yes--Word Processing if by attorney; No, if by prisoner, local court probably has form	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers court review deadline and filing deadline if not summarily dismissed
admiralty actions	maritime attachment/ garnishment; actions in rem; possessory/ petitory/partition; limitation of liability, FRCP Supp. Rule A.	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public; Marshal	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline; posting on the vessel
actions originating in state court	notice of removal 28 U.S.C. §§ 1446 -1447	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachment of state court record; triggers filing deadlines

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
actions originating in other federal courts	order of 28 U.S.C. § 1404 transfer from another court	clerk of transferee court	receives file and enters on docket in ICMS	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers submission to court for review
miscellaneous	bankruptcy judge R&R in noncore proceedings Bankr. R. 800?	bankruptcy judge	Yes--Word Processing		No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm'ncy depends	signature issues; triggers filing deadline; submitted by bankruptcy judge if no objections filed
miscellaneous	objection to bankruptcy R&R in noncore proceedings Bankr. R. 800?	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm'ncy depends	signature issues; triggers filing deadlines
INITIAL PLEADINGS THAT FRAME DISPUTE							
any action	counterclaim FRCP 13	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline for responsive pleading

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	crossclaim FRCP 13	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline for responsive pleading
any action	3rd parties complaint FRCP 14	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline for responsive pleading
any action	motion to intervene & accompanying pleading (complaint or answer) FRCP 24	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline for responsive pleading
any action	joined parties' complaint or answers FRCP 19	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline if not already set by court when permitting intervention

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	amended complaints, see FRCP 15	prisoner or parties	Yes--Word Processing if party; no if prisoner	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline for responsive pleading
any action	notice of suit and waiver of service of summons FRCP 4(d)	parties acting as plaintiff and defendant	No. AO Forms 398 & 399	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	return triggers filing deadline for responsive pleading; triggers rule- or court-defined & discovery deadline for review of new cases, <i>see e.g.</i> , FRCP 26(f), FRCP 16 (a)-(b) & 28 U.S.C. § 472.
any action	summons	parties acting as plaintiffs	No. AO Forms 440 & 441.	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature of defendant; triggers filing deadline for responsive pleading; triggers rule- or court- defined & discovery deadline for review of new cases, <i>see e.g.</i> , FRCP 26(f), FRCP 16 (a)-(b) & 28 U.S.C. § 472.
any action	return of service	process server	No. AO Forms 440 & 441.	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature of process server; triggers filing deadline for responsive pleading; triggers rule- or court-defined & discovery deadline for review of new cases, <i>see e.g.</i> , FRCP 26(f), FRCP 16 (a)-(b) & 28 U.S.C. § 472.

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	answers (to any civil complaint) FRCP 12(a)	prisoner or parties	Yes--Word Processing if party; no if prisoner	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers rule- or court-defined & discovery deadline for review of new cases, <i>see e.g.</i> , FRCP 26(f), FRCP 16 (a)-(b) & 28 U.S.C. § 472.
§ 2254 actions	petitioner's response why habeas petition should not be barred under Rule 9	clerk & prisoner	No. AO Form 242	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers submission of record upon return or expiration of deadline
§ 2255 actions	petitioner's response why motion to vacate, etc. sentence should not be barred under Rule 9	clerk & prisoner	No. AO Form 244	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers submission of record upon return or expiration of deadline
§ 2254 actions	answer or "return" to habeas petition Hab. Rule 5	state attorney general	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments of relevant portions of state court transcript for initial review by court; triggers reply or submission to court

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
§ 2255 actions	answer or “return” to motion to vacate etc. sentence. Attack Sentence Rule 5	U.S. Attorney	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments of relevant portions of transcripts and briefs; triggers reply or submission to court
any action	amended answers, see FRCP 15	prisoner or parties	Yes--Word Processing if party, no if prisoner	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
§§ 2254 & 2255 actions	prisoner reply or “traverse” to answers/returns see Advisory Notes to Hab. and Attack Sentence Rules 5	prisoner or parties	Yes--Word Processing if party, no if prisoner	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments of relevant portions of transcript not provided by attorney general; triggers submission to court
miscellaneous	response to objections to bankruptcy R&R in noncore proceedings Bankr. R. 800?	parties	Yes--Word Processing.	clerk/file/maint.; court&chambers; parties; public	No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm'ncy depends	signature issues; triggers submission to court

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
MOTIONS & BRIEFS							
any action	appearance pro hac vice	attorney	Yes--Word Processing, court may have form	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
any action	motion for voluntary dismissal by plaintiff after responsive pleading FRCP 41(a)(2)	plaintiff	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline for responsive pleading
any action	motion to dismiss as settled	parties jointly	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers submission to court

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
class action	motion to certify/decertify class FRCP 23	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers deadline for responsive pleading
any action	scheduling motions	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers deadline for responsive pleading
any action	discovery motions; <i>see</i> FRCP 26 thru 37	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers deadline for responsive pleading
any action	dispositive motions; <i>see</i> , <i>e.g.</i> , FRCP 12(b)(6); FRCP 54	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers deadline for responsive pleading

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	opposition to motion/memo in support	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers deadline for responsive pleading
any action	reply to opposition	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers submission to court
any action	sur-reply to reply	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
any action	objections to Magistrate Judge R&R or order, 28 U.S.C. § 636(b)(1)(A)- (B) and FRCP 72	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline for responsive pleading

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	“appeal” from Magistrate Judge final decision 28 U.S.C. § 636(c) and FRCP 73	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline for responsive pleading
any action	pretrial memorandum	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; document filed as required by general order or particular court request
any action	proposed jury instructions	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; document filed as required by general order or particular court request
any action	proposed voir dire questions	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; document filed as required by general order or particular court request

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	motion to appear/intervene & file amicus	nonparty	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers filing deadline for responsive pleadings
any action	amicus briefs	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
any action	bankruptcy briefs Bankr. R. 800?	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments; triggers submission to court
any action	objections to reports, e.g., special master, arbitrator, etc.	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
OTHER FILED DOCUMENTS							
any action	voluntary dismissal or upon stipulation before responsive pleading, FRCP 41(a)(1)	plaintiff or all parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public & to close matter	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
any action	certificate of service, FRCP 5(d)-(e)	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature attached to documents but can be docketed separately
any action	appearance of counsel	attorney	Yes--Word Processing, AO Form 458	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; link to clerk's database of admitted attorneys

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	notice to take deposition, c.f., FRCP 30	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
any action	Rescheduled matter	court	Word Processing	clerk/file/maint., court, chambers, parties and public		permanent	signature issues
any action	Application to enter default and default entered	court	Word Processing	clerk/file/maint., court, chambers, parties and public		permanent	signature issues
any action	Bond	court	Word Processing	notice, clerk/file/maint., court, chambers, parties and public		permanent	signature issues
any action	Brief	parties	Word Processing	notice, clerk/file/maint., court chambers, parties and public		permanent	signature issues
any action	Minute Sheet	court	Word Processing	clerk/file/maint., court, chambers, parties and public		permanent	signature issues
any action	Cost Taxed	parties	Word Processing	notice, clerk/file/maint., court, chambers, parties and public		permanent	signature issues

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action where MJ assigned	notice of availability of Magistrate Judge	clerk	Yes--Word Processing, AO Form 85	parties	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	
any action	consent to Magistrate Judge	parties	Yes--Word Processing, AO Form 85	clerk/file/maint.; court&chambers	??	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; all parties must sign same form if use AO 85; possible security issues
any action	offer of judgment, FRCP 68	defendant	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	??	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; may be confidential
any action	proposed orders	parties	Yes--Word Processing	clerk to forward to judge; judge for review & possible use	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	proposed orders are attachments to motions

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	status reports	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
any action	bill of costs; 28 U.S.C. §§ 1920, 1924 & FRCP 54(d)	parties and clerk	Yes--Word Processing, AO Form 133	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments of affidavit of parties claiming costs; calculations
any action	bill of sale	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
appeal action	proffer of supersedeas bond	parties		clerk/file/maint; court & chambers; parties, public			attachment issue proposed bond

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	notice of appeal	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
any action	subpoena--FRCP 45	parties	No. AO Form 88.	witness	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
any action	proof of service of subpoena-- FRCP45(b)(3)	server	No. AO Form 88.	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; process server adds information to existing form
actions where trademark or patent at issue	notice of action where trademark or patent is at issue 15 U.S.C. § 1116 (c); 35 U.S.C. § 290	clerk	No. AO Form 120.	Commissioner of Patents & Trademarks	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	notice is upon initiation of suit, adding patents or trademarks, and termination of action; office is on line, likely has capability to accept electronic notice too

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
action where copyright at issue	notice of action where copyright at issue 17 U.S.C. § 508	clerk	No. AO Form 121.	Register of Copyrights	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	notice is upon initiation of suit, adding patents or trademarks, and termination of action; office is on line, likely has capability to accept electronic notice, too
any action	notice of rescheduled matter	clerk or judge	Yes if by judge in word processing, no if by clerk or judge on AO Form 456	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
§§ 2241, 2254, 2255	CJA appointment & vouchers see 18 U.S.C. § 3006A	judge	No. AO Forms CJA 20 thru 31	clerk, financial clerk, appointed attorney, and AO	??	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; calculations
any action	pretrial instructions and standing orders	clerk or judge	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
ORDERS & OPINIONS							
any action	default judgment, FRCP 55(b)(1)	clerk; parties	ICMS or Word Processing; court may have form	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues if not just ICMS docket entry
any action	default judgment, FRCP 55(b)(2)	court/ parties; judge	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
any action	order of reference to Magistrate Judge	judges	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	Magistrate Judge R&R	Mag. Judge	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
certain actions	notice of challenge to constitutionality; 28 U.S.C. § 2403, FRCP 24(c); where constitutionality of statute at issue and state or fed att'y gen. not parties	parties and clerk	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public & attorney general	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
any action	all orders	judges	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	all opinions	judges	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public; opinion services	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
any action	judgment, FRCP 58	judges and clerk	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
§ 2254	certificate of probable cause, (appealability) 28 U.S.C. § 2253; FRAP 22(a)	judges	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
any action	order of reference to special master, FRCP 53 & 28 U.S.C. § 636(b)(2)	judges	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	special master reports	special master	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues; attachments
any action	order of reference to ADR; <i>see .e.g.</i> , 28 U.S.C. §§ 651-658 (arbitration) & 28 U.S.C. § 473(a)(6)	judges	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
any action	ADR Reports; <i>see .e.g.</i> , 28 U.S.C. §§ 651- 658 (arbitration) & 28 U.S.C. § 473(a)(6)	ADR	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues
miscellaneous	district judge order on R&R of bankruptcy judge in noncore proceedings	Dist. Judge	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public; bankruptcy clerk; bankruptcy court & chambers	No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm'ncy depends	signature issues; link to bankruptcy court docket

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
miscellaneous	district judge order on appeal in core bankruptcy proceeding	Dist. Judge	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public; bankruptcy clerk; bankruptcy court & chambers	No	Sch. 2(A)(13) (a) or (e)--if filed separately and perm'ncy depends	signature issues; link to bankruptcy court docket
EXHIBITS/EVIDENTIARY MATERIALS							
any action	deposition transcript	parties/ court reporter	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No		not routinely filed unless to be exhibit at trial or relied upon in support of motion; Signature issues; attachments; linking to videodepo
any action	deposition videotapes	parties	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No		not routinely filed unless to be exhibit at trial or relied upon in support of motion; multimedia format/linking to transcript of deposition/ attachments
any action	physical evidence	parties	No	clerk/file/maint.; court&chambers; parties; public	Yes		not routinely filed unless to be exhibit at trial or relied upon in support of motion; authenticating electronic version of evidence
any action	documentary evidence	parties	Some Yes-- Word Processing.	clerk/file/maint.; court&chambers; parties; public	Yes		not routinely filed unless to be exhibit at trial or relied upon in support of motion; authenticating electronic version of evidence

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	materials produced in response to request for discovery information (e.g., answers to interrogatories)	parties	Some are word processing such as answers to interrogatories; documents produces are likely not to be, although more firms are moving to automated litigation systems	clerk/file/maint.; court&chambers; parties; public	??		
TRIAL-RELATED FILINGS							
any action	exhibit proffer/ disposition tracking	clerk	No. AO Form 187	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	
any action	final exhibit lists	clerk	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	final witness lists	clerk	Yes--Word Processing	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	
any action	judgment in a civil case upon trial/verdict, <i>see also</i> FRCP 58	clerk	Not Available-- AO Form 450	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature
any action	court reporter transcript	court reporter	Yes--Word Processing or data	clerk/file/maint.; court & chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	signature issues

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
CLERK DOCKET & OTHER ENTRIES (NONPLEADING, NON-PRIVATE)							
any action	minute entry	clerk	ICMS	clerk/file/maint; court& chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	
any action	tickler notes	clerk	ICMS	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	
any action	matter under submission	clerk	ICMS	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	reference to MJ, special master, or ADR under general order	clerk	ICMS	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	
any action	expiration of MJ, special master, or ADR reference under general order	clerk	ICMS	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	
any action	motion disposition links	clerk	ICMS	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	
any action	scheduling	clerk	ICMS	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	Other Notes	clerk	ICMS	clerk/file/maint.; court&chambers; parties; public	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	
COURT PRIVATE DOCUMENTS							
any action	law clerk memoranda	judges	Yes--Word Processing	chambers for case management	YES	N/A	documents stored in judges' chambers; security critical
any action	notes to file	judges	Yes--Word Processing	chambers for case management	YES	N/A	documents stored in judges' chambers; security critical
any action	letters	judges or parties	Yes--Word Processing	chambers for case management	YES	N/A	documents stored in judges' chambers; security critical
any action	report of settlement progress	judges or ADR	Yes--Word Processing	chambers for settlement negotiations	YES	N/A	documents stored in judges' chambers; security critical
any action	en camera documents	parties	Yes--Word Processing	chambers for disposition	YES	N/A	documents stored in judges' chambers; security critical
any action	sealed documents	parties	Yes--Word Processing	chambers for disposition	YES	N/A	documents stored in judges' chambers; security critical
as scheduled	prospective qualified juror master wheel draw list 28 U.S.C. § 1864(a)	clerk or jury comm'n	some courts may have automated databases; others may use word processing	clerk or jury commission & parties	YES	Sch. 2(B)(2)	stored in clerks' office; procedures are sealed unless disclosure required under 28 U.S.C. § 1867; security critical

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
at the draw from master wheel	prospective qualified juror qualification questionnaires 28 U.S.C. § 1864(a)	clerk or jury comm'n & pro.qual.j.	No. AO Forms 178 series or Court Form	clerk or jury commission & chief judge & parties	partly	Sch. 2(B)(2)	signature issues; stored in clerks' office; scanning; security from public is issue, cf 28 U.S.C. § 1864(a); triggers 10- day response time after which summons issues; parties may have access to questionnaires at voir dire
upon review of rec'd. question'res	prospective qualified juror follow up/ correction card 28 U.S.C. § 1864(a)	clerk or jury comm'n & pro.qual.j.	No. AO Form 177	clerk or jury commission & pros. qualified juror	YES	Sch. 2(B)(2)	stored in clerk's office; security critical
upon review of rec'd. question'res	prospective qualified juror summons for failure to complete questionnaire 28 U.S.C. § 1864(a)	clerk or jury comm'n	No. AO Form 205	pros. qualified jurors	YES	Sch. 2(B)(2)	stored in clerk's office; security critical
as needed	qualified juror summons for service on petit or grand jury 28 U.S.C. § 1866(b)	clerk or jury comm'n	No. AO Forms 222 series	qualified jurors or Marshal if served personally	YES	Sch. 2(B)(2)	stored in clerk's office; security critical; summons issuance triggered by court order
as needed	qualified juror information cards	clerk or jury comm'n	No. AO Form 229 series	prospective juror	YES	Sch. 2(B)(2)	stored in clerk's office; security critical; issuance triggered by summons

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
as needed	qualified juror information card & summons for service on petit or grand jury 28 U.S.C. § 1866(b)	clerk & prospective jurors	No. AO Forms 179 series	prospective jurors, clerk or jury commission & parties	YES	Sch. 2(B)(2)	stored in clerk's office; security critical; issuance triggered by court order
as needed	prospective juror excuse	prospective juror	Yes if juror has computer	clerk or jury commission & judge	YES	Sch. 2(B)(2)	stored in clerk's office; security critical
as needed	prospective juror excuse--3rd parties info	clerk	No. AO Form 224	prospective juror	YES	Sch. 2(B)(2)	stored in clerk's office; security critical
as needed	prospective juror excuse disposition notification	clerk or court	No, if clerk AO Form 223; yes, if court.	prospective juror	YES	Sch. 2(B)(2)	stored in clerk's office; security critical
civil and criminal actions	jury selection during case documents and notes	clerk	No. AO Form 189.	clerk	??	??	stored in clerks' office; can probably be automatically produced by electronic presentation devices employed by parties
civil and criminal jury actions	certificate of juror attendance	clerk	No. AO Form 139 or Court Forms	jurors	No	N/A	stored in clerks' office

Elements of the District Court Case File—Civil

Type of Action	File Item (including Statutory Authority or Rule)	Creator	Currently Available?/ Format	User/Purpose/ Access Time	Access Limits	Retention	Special Considerations For Creating Electronic Equivalent
any action	notice of entry of orders and judgments	clerk	No. AO postcard 145	parties	No	<i>see</i> Sch. 2(A)(7)-(12), permanent for most part w/limited exceptions for certain courts & cases	stored in clerks' office
any action	exemplification certificate FRCP 44(a)?	clerk and judge	No. AO Form 132.	recipient of record copies	No	Sch. 2(C)(4)?	stored in clerks' office
upon request	apostille FRCP 44(a)(2)	clerk	No. AO Forms 390 thru 391.	requestor	No	Sch. 2(C)(4)?	stored in clerks' office
any action in district court	certification of judgment for registration in another district	clerk	No. AO Form 451	requestor	No	Sch. 2(C)(4)?	stored in clerks' office; signature & seal